

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ALEXIS ARRIAGA,

Plaintiff,

v.

DR. LAXMINARAYAN,

Defendant.

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CIVIL ACTION NO. 4:21-CV-00203-RAS

ORDER OF DISMISSAL

Pro se Plaintiff Alexis Arriaga filed the above-styled and numbered civil rights complaint. This case was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that Plaintiff Arriaga's lawsuit should be dismissed without prejudice for want of prosecution and failure to obey an order. Docket No. 6.

The Magistrate Judge's Report was mailed to Plaintiff Arriaga's last known address but Plaintiff Arriaga did not acknowledge receipt of the Report. Plaintiff Arriaga is a *pro se* litigant, and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the court with a physical address and are "responsible for keeping the clerk advised in writing of the current physical address." Local Rule CV-11(d). To date, Plaintiff Arriaga has not updated her address with the court or filed objections to the Report.

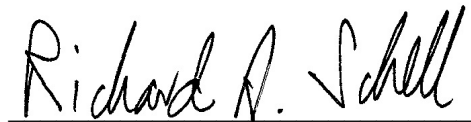
Because Plaintiff Arriaga did not file objections to the Report, she is not entitled to *de novo* review by the undersigned of those findings, conclusions and recommendations, and except upon grounds of plain error, she is barred from appellate review of the unobjected-to factual findings

and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The court has reviewed the motion and the Magistrate Judge's Report and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants.' ") (quoting *Mathews v. Weber*, 423 U.S. 261, 275 (1976)). Accordingly, the Magistrate Judge's Report and Recommendation (Docket No. 6) is **ADOPTED** as the opinion of this court. It is therefore

ORDERED that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this the 31st day of July, 2021.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S".

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE